

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ADRIAN MARTINEZ,

Petitioner,

v.

DON WHITMIRE, Acting Hospital
Administrator,

Respondent.

8:20CV271

ORDER

ADRIAN MARTINEZ,

Petitioner,

v.

DON WHITMIRE, Acting Hospital
Administrator,

Respondent.

8:20CV272

ORDER

This matter is before the court on Petitioner's motion for entry of a court order. (Filing 37, Case No. 8:20cv271; Filing 35, Case No. 8:20cv272.) Petitioner seeks an order to compel Respondent to provide legal photo copying services to allow Petitioner to provide to the court copies of alleged newly discovered exculpatory evidence consisting of records from the Nebraska Department of Correctional Services including Petitioner's "LB 1199 psychological evaluation." (*Id.* at CM/ECF

p. 3.) The court liberally construes Petitioner's motion as a motion under Rule 7 of the *Rules Governing Section 2254 Cases in the United States District Courts* as Petitioner appears to be seeking to expand the record to include this alleged newly discovered evidence. Upon consideration,

IT IS ORDERED that:

1. Respondent shall file a reply to Petitioner's motion (filing 37, Case No. 8:20cv271; filing 35, Case No. 8:20cv272) on or before August 20, 2021. Respondent may attach additional records to his response if he deems appropriate.

3. The Clerk of Court is directed to set a pro se case management deadline using the following text: **August 20, 2021**: check for Respondent's reply to filing 37.

Dated this 6th day of August, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge